

DETAILED ACTION

Response to Amendment

1. The following is a Final Office Action in response to communications received on 11/16/2011. Claims 1-8, 14-32, and 38-48 have been cancelled. Claims 12-13, 33, 36-37, 49 and 52-53 have been amended. No claims have been added. Therefore, claims 9-13, 33-37 and 49-53 are pending and addressed below.

Claim Objections

2. The amendment filed on 11/16/2011, has corrected the claim objections identified in the Office Action dated 07/20/2011. Thus, the Examiner hereby withdraws the claim objections of claims 33 and 49 that were raised in the Office Action dated 07/20/2011.

Claim Rejections - 35 USC § 112

3. The amendment filed on 11/16/2011, has corrected the 35 U.S.C. 112 deficiencies identified in the Office Action dated 07/20/2011. Thus, the Examiner hereby withdraws the 35 U.S.C. 112 second paragraph rejections of claims 12-13, 36-37 and 52-53 that were raised in the Office Action dated 07/20/2011.

Art Unit: 3622

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 9-13, 33-37 and 49-53 are rejected under 35

U.S.C. 102(a) and 102(e) as being anticipated by Jacob et al.

(US 2002/0161633 A1) (hereinafter Jacob).

5. As per claim 9 (and similarly the apparatus of claim 33 and the computer-readable medium of claim 49), Jacob discloses a method performed by one or more processing devices, comprising:

receiving a request and information indicative of a local time in a time zone from which the request was sent (Abstract,

Art Unit: 3622

[0005], [0016-17], [0024-37], time information identified in user request and used for targeted ad selection);

accessing, in response to the request, a mapping of (i) one or more time ranges that are independent of the time zone, to (ii) one or more prices to be paid by an advertiser for a display of an advertisement ([0024-37]) (The Examiner understands that the mapping only requires one time range and one price. As such, the Examiner understands the limitation to be satisfied by the time range of advertiser (i.e. Jane's Pancake House) corresponding to a price the advertiser is willing to pay, as this information comprises a time range (e.g. 12:00 noon on Friday through 12:00 noon on Mother's Day Sunday) with its corresponding price the advertising is willing to pay. As such, this limitation is satisfied as currently written.);

determining, in the mapping, a time range that comprises the local time ([0024-37], local time of requesting user is used as a comparison time attribute to determine appropriate advertisements matching the local time);

identifying, based on the time range, a price for the advertisement ([0024-37], price advertiser is willing to pay is identified based on time-significance matching); and

Art Unit: 3622

determining, at least partly based on the price for the advertisement, a score for the advertisement ([0024-37], ad selection based on advertiser price, Prioritization rules used to determine particular ad selection) (The Examiner understands the "prioritization" to satisfy the "score" limitation as currently claimed.).

6. As per claim 10 (and similarly the apparatus of claim 34 and the computer-readable medium of claim 50), Jacob discloses the method of claim 9 (as rejected above). Jacob further discloses

wherein the local time comprises at least one of (a) at least one local time-of-day, (b) at least one local time-of-day range, (c) at least one local date, (d) at least one local day-of-week, (e) at least one local date range, (f) at least one local day-of-week range, and (g) at least one local season ([0024-37]).

8. As per claim 11 (and similarly the apparatus of claim 35 and the computer-readable medium of claim 51), Jacob discloses the method of claim 9 (as rejected above). Jacob further discloses

Art Unit: 3622

wherein determining the score further comprises using at least ad performance information ([0004-5], [0024-37], ad served to most relevant users according to ad attributes) (The Examiner understands that as there has been no requirement for an ad to have already been served. Thus, the Examiner understands that the performance information is not required to be associated with how the ad has performed once served, but rather how the ad will perform once served to specific targeted individuals. As such, the Examiner understands that the relevance matching to specific individuals and resulting ad selection satisfies "determining the score...using...ad performance information" as claimed.).

9. As per claim 12 (and similarly the apparatus of claim 36 and the computer-readable medium of claim 52), Jacob discloses the method of claim 9 (as rejected above). Jacob further discloses

wherein the request is sent from a system that is external to the one or more processing devices (Abstract, [0005], [0016-17], [0024-37], time information identified in user request from external user device and used for targeted ad selection); and

Art Unit: 3622

wherein the local time comprises a time in the time zone of the system (Abstract, [0005], [0016-17], [0024-37], time information identified in user request and used for targeted ad selection).

10. As per claim 13 (and similarly the apparatus of claim 37 and the computer-readable medium of claim 53) Jacob discloses the method of claim 9 (as rejected above). Jacob further discloses wherein:

the local time comprises a first local time (Abstract, [0005], [0016-17], [0024-37], local time of requesting user);

the time zone comprises a first time zone (Abstract, [0005], [0016-17], [0024-37], local time of requesting user);

the request comprises a first request (Abstract, [0005], [0016-17], [0024-37]);

the time range comprises a first time range ([0024-37], local time of requesting user is used as a comparison time attribute to determine appropriate advertisements matching the local time);

the price comprises a first price ([0024-37], price advertiser is willing to pay is identified based on time-significance matching);

Art Unit: 3622

the score comprises a first score ([0024-37], ad selection based on advertiser price, Prioritization rules used to determine particular ad selection) (The Examiner understands the "prioritization" to satisfy the "score" limitation as currently claimed.);

the advertisement comprises a first advertisement ([0024-37]);

the mapping comprises a first mapping ([0024-37]) (The Examiner understands that the mapping only requires one time range and one price. As such, the Examiner understands the limitation to be satisfied by the time range of advertiser (i.e. Jane's Pancake House) corresponding to a price the advertiser is willing to pay, as this information comprises a time range (e.g. 12:00 noon on Friday through 12:00 noon on Mother's Day Sunday) with its corresponding price the advertising is willing to pay. Moreover, the Examiner understands a mapping (i.e. "first mapping") is associated with a single first advertiser with a first advertisement. As such, this limitation is satisfied as currently written.); and

wherein the method-further comprises (The Examiner notes the following are all steps recited as part of a "wherein" clause, of which is not considered to be positively recited.):

Art Unit: 3622

receiving a second request and information indicative of a second local time in a second time zone from which the second request was sent, wherein the first time zone differs from the second time zone (Abstract, [0005], [0016-17], [0024-37], local time of requesting user) (The Examiner notes there are multiple users sending multiple requests to the system of Jacob. Moreover, the locations of the users reasonably include areas of the same time zone (e.g. suburb A and city B) and areas of different time zones (e.g. elsewhere as disclosed in [0031] of Jacob). Moreover, this limitation is simply performing the same "request" operation for a second time, of which performing the same step multiple times in and of itself is not considered to be patentably distinct. As such, the limitation as currently is satisfied.), and wherein the first local time and the second local time comprise a same time when the second local time is converted to a time in the first time zone (The Examiner notes there is no time conversion required by the claim from the first time zone to the second time zone. Rather, this limitation is simply understood by the Examiner as an inherent quality of time when considering different time zones (e.g. 9:00 am on the West Coast is 12:00 noon on the East Coast, thus the two time zones are of the same time).;

Art Unit: 3622

determining, in the first mapping, a second time range that comprises the second local time ([0024-37], multiple users of different local times) (The Examiner notes that this limitation is not required by the claim, as parent claim 9 only requires there to be "one time range" and "one price". As such, a "second time range" is not required. Moreover, in terms of prior art, the Examiner must construe that the second time range is the same as the first time range of claim 9, as any other interpretation would result in claim 13 failing to further limit parent claim 9, as the claim scope would be significantly altered from that as originally claimed. Support for these two time ranges being the same can be found in page 30, lines 6-15 of the Applicant's specification.);

identifying, based on the second time range, a second price for the first advertisement ([0024-37], multiple users of different local times) (The Examiner notes that this limitation is not required by the claim, as parent claim 9 only requires there to be "one time range" and "one price". As such, a "second time range" is not required and thus "identifying, based on the second time range, a second price..." is not required. Moreover, in terms of prior art, the Examiner must construe that the second time range is the same as the first time range of claim 9, as any other

Art Unit: 3622

interpretation would result in claim 13 failing to further limit parent claim 9, as the claim scope would be significantly altered from that as originally claimed. Support for these two time ranges being the same can be found in page 30, lines 6-15 of the Applicant's specification.);

determining, at least partly based on the second price for the first advertisement, a second score for the first advertisement (The Examiner notes that this limitation is not required by the claim, as parent claim 9 only requires there to be "one time range" and "one price". As such, a "second time range" and "identifying, based on the second time range, a second price..." is not required. Thus, "determining...based on the second price...a second score..." is not required.

Moreover, in terms of prior art, the Examiner must construe that the second time range is the same as the first time range of claim 9, as any other interpretation would result in claim 13 failing to further limit parent claim 9, as the claim scope would be significantly altered from that as originally claimed. Support for these two time ranges being the same can be found in page 30, lines 6-15 of the Applicant's specification.);

identifying, in a second mapping based on the second local time, a third price for a second advertisement ([0024-37],

Art Unit: 3622

price advertiser is willing to pay is identified based on time-significance matching) (The Examiner understands that the mapping of claim 9 only requires one time range and one price. As such, the Examiner understands the limitation to be satisfied by the time range of advertiser (i.e. Dick's Television Broadcasting Company) corresponding to a price the advertiser is willing to pay, as this information comprises a time range (e.g. 10:00 am) with its corresponding price the advertising is willing to pay. Moreover, the Examiner understands a mapping (i.e. "second mapping") is associated with a single second advertiser with a second advertisement. As such, this limitation is satisfied as currently written.);

determining, at least partly based on the third price for the second advertisement, a third score for the second advertisement, with the third score having an increased value relative to the second score ([0024-37], ad selection based on advertiser price, Prioritization rules used to determine particular ad selection) (The Examiner understands the "prioritization" to satisfy the "score" limitation as currently claimed.); and

selecting, at least partly based on the second score and the third score, the second advertisement for display in the second time zone, with the second advertisement being

Art Unit: 3622

different from the first advertisement ([0024-37], ad selection based on advertiser price, Prioritization rules used to determine particular ad selection and ordering,) (The Examiner understands that multiple advertisements are placed within a pool (i.e. relational database), which contains multiple ads with associated prices. As such, "mapping" has occurred. Furthermore, the pool of ads are analyzed and prioritized for serving the most relevant targeted ads to specific users. The Examiner understands the "prioritization" to satisfy the "score" limitation as currently claimed. As such, this limitation as currently written has been satisfied.).

Response to Arguments

11. Applicant's arguments with respect to claims 9-13, 33-37 and 49-53 have been considered but are moot in view of the new ground(s) of rejection. The prior art reference of Jacob et al. (US 2002/0161633 A1) has been used in the prior art rejection in place of Yeh (US 2005/005009) due to the Applicants invoking 35 U.S.C. 103(c).

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to WILLIAM A. BRANDENBURG whose telephone number is (571)270-5488. The

Art Unit: 3622

examiner can normally be reached on Monday-Thursday 6:30 am - 5:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571)272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/W. A. B./
Examiner, Art Unit 3622

/John Van Bramer/

Application/Control Number: 10/676,369

Page 16

Art Unit: 3622

John Van Bramer

Primary Examiner, Art Unit 3622